

Filed for intro on 05/22/2002

HOUSE BILL 3290

By Naifeh

AN ACT to repeal Chapter 114 of the Private Acts of 1973, as amended by Chapter 221 of the Private Acts of 1974, Chapter 116 of the Private Acts of 1975, Chapter 2 of the Private Acts of 1979, Chapter 261 of the Private Acts of 1980, Chapter 97 of the Private Acts of 1983, Chapter 122 of the Private Acts of 1996, and any other acts amendatory thereto, relative to the Tipton County Public Works Department and to provide for the administration of said department and the selection and tenure of the officials in charge of the department.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 114 of the Private Acts of 1973, as amended by Chapter 221 of the Private Acts of 1974, Chapter 116 of the Private Acts of 1975, Chapter 2 of the Private Acts of 1979, Chapter 261 of the Private Acts of 1980, Chapter 97 of the Private Acts of 1983, Chapter 122 of the Private Acts of 1996, and any other acts amendatory thereto, is hereby repealed.

SECTION 2. For the purpose of providing an efficient system of roads, highways, and bridges and the building, construction, reconstruction, maintenance and repair of roads, highways, and bridges in Tipton County, Tennessee, and to provide for the development of

other public means of transportation, a Department of Public Works for said County is hereby created.

SECTION 3. The Superintendent of Public Works for Tipton County shall be selected by a majority vote of the entire membership of the county legislative body for a term of four (4) years, commencing September 1, 2002, and every four (4) years thereafter. The Superintendent of Public Works shall be deemed to be the chief administrative officer of the department which builds and maintains the roads of the county under the terms of the Tennessee County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7, Parts 1 and 2. The Superintendent of Public Works shall have the qualifications, term of office, duties, powers, authority and minimum compensation as provided by the Tennessee County Uniform Highway Law currently and as such Act might be amended in the future, and shall be subject to the same limitations, conditions, prohibitions and punishments as provided in the Tennessee County Uniform Highway Law, now and in the future. In addition, the Superintendent shall be a bona fide resident of Tipton County and shall be an engineer licensed to practice in the state of Tennessee.

SECTION 4. The Superintendent of Public Works shall be the purchasing agent for the Tipton County Public Works Department and as such is responsible for all purchases of the department, for proposing a budget for the department, and for maintaining the inventory of the department. In performing these duties, the Superintendent of Public Works shall conform to all appropriate provisions of state law, including the Tennessee County Uniform Highway Law, and to appropriate local acts or resolutions. Should Tipton County in the future adopt some form of centralized purchasing pursuant to a local option general law or private act, the provisions of this act as they relate to purchasing by the Public Works department shall be superceded by such act.

SECTION 5. The Superintendent of Public Works shall have the authority to make expenditures from the highway fund and to issue warrants drawn against the road fund of Tipton

County under his signature. All expenditures shall conform to the budget of the Tipton County Public Works Department as approved by the County Legislative Body.

SECTION 6. The Tipton County Legislative Body may, in accordance with its own bylaws and rules, establish an advisory committee of the County Legislative Body to provide recommendations to the Superintendent of Public Works on the needs of the county.

SECTION 7. All laws or parts of laws in conflict herewith are hereby repealed. If any provision of this or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Tipton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on September 1, 2002.